

(Pub. L. 103-391, §6, Oct. 22, 1994, 108 Stat. 4096; Pub. L. 107-112, §6(a)(2), Jan. 8, 2002, 115 Stat. 2098.)

AMENDMENTS

2002—Pub. L. 107-112 redesignated heading and text of subsec. (d) as entire section and struck out former section catchline and headings and text of subssecs. (a) to (c). Prior to amendment, text of subssecs. (a) to (c) related to establishment in the Treasury of the Rhinoceros and Tiger Conservation Fund, consisting of amounts deposited by the Secretary of the Treasury from donations and appropriated funds, to be used to provide assistance under section 5304 of this title, with not more than three percent of appropriated funds per fiscal year used to administer the Fund.

§ 5305a. Prohibition on sale, importation, or exportation of products labeled or advertised as rhinoceros or tiger products

(a) Prohibition

A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

(b) Penalties

(1) Criminal penalty

A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, imprisoned not more than 6 months, or both.

(2) Civil penalties

(A) In general

A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than \$12,000 for each violation.

(B) Manner of assessment and collection

A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) Products, items, and substances

Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

(d) Regulations

After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

(e) Enforcement

The Secretary, the Secretary of the Treasury, and the Secretary of the department in which

the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) Use of penalty amounts

Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 3375(d) of this title.

(Pub. L. 103-391, §7, as added Pub. L. 105-312, title IV, §405(2), Oct. 30, 1998, 112 Stat. 2960.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (b)(2)(B), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 103-391 was renumbered section 10 and is classified to section 5306 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5305b. Educational outreach program

(a) In general

Not later than 180 days after October 30, 1998, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

(b) Guidelines

The Secretary shall publish in the Federal Register guidelines for the program.

(c) Contents

Under the program, the Secretary shall publish and disseminate information regarding—

- (1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;
- (2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and
- (3) the status of rhinoceros and tiger species and the reasons for protecting the species.

(Pub. L. 103-391, §8, as added Pub. L. 105-312, title IV, §406, Oct. 30, 1998, 112 Stat. 2961.)

§ 5305c. Advisory group

(a) In general

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of rhinoceros and tiger species.